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In re Application of :
Nakamura, et al. : DECISION ON APPLICATION FOR
Application No. 09/889,604 : PATENT TERM ADJUSTMENT
Filed: September 19, 2001 :
Atty. Dkt. No.: NPR-082 :

This is a decision on the "APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 CFR 1.705(b)" filed November 29, 2004.

The application for patent term adjustment ("PTA") under 37
C.F.R. § 1.705(b) is hereby **DISMISSED**.

Applicants request that the Determination of Patent Term
Adjustment be corrected from zero days as indicated on the
Determination of Patent Term Extension mailed September 10, 2004
to an adjustment of 276 days.

Applicants argue that the instant application is an original
application subject to the provisions of 37 CFR 1.702.

The instant application is a national stage entry of
PCT/JP00/00162, filed January 14, 2000. In order for a national
stage entry of an international application to be subject to the
PTA provisions of 35 USC 154(b), the international application
must have an international filing date of May 29, 2000 or later.
The date on which the international application either complies
with 35 USC 371(c) or enters the National Stage is not relevant
for determining eligibility for PTA. See, § 4405(a) of the
American Inventor's Protection Act ("AIPA"), 35 USC § 363, and
37 CFR § 1.702(f). As the instant application is a national
stage entry of an international application filed prior to May
29, 2000, the instant application is not eligible for PTA.

Applicants are give one month from the mail date of the instant
decision to proffer additional evidence that the instant
application would be subject to PTA. The period of time for
reconsideration is not extendible under 37 CFR 1.136(a) or 37
CFR 1.136(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

A handwritten signature in black ink, appearing to read 'Karin Ferriter', with a stylized flourish underneath.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy